GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition and Excise Department – Request of Sri M. Radha Krishna, Prohibition & Excise Inspector, Kurnool Division for declaration of probation within the normal period in the cadre of Prohibition & Excise Inspector by relaxing rule 16 (h) of Andhra Pradesh State and Subordinate Service Rules, 1996 – Orders of APAT in OA No.1943/2011, dt.15.04.2013 - Relaxed - Orders – Issued.

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REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 243 **Dated: 13-03-2019**

Read the following:-

1. From the Hon'ble APAT., Hyderabad, orders in OA No.1943/2011filed by Sri M. Radha Krishna, S/o. Sunkanna, Prohibition & Excise Inspector, Kadapa District, dt.15.04.2013.
2. From Sri M. Radha Krishna, Prohibition & Excise Inspector, Kurnool Division, representation, dt.05.07.2018.
3. From the Commissioner of Prohibition & Excise, AP., in Cr.No.12027/12/2018/CPE/B4, dt.17.10.2018.

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O R D E R:

Sri M. Radha Krishna, Prohibition & Excise Inspector was directly recruited as Prohibition & Excise Inspector through APPSC and joined in service on 28.08.1997. The individual has to pass the Departmental Tests in the prescribed period (3) years of probation, but he passed last test i.e., the Account Test for Subordinate Officers Part-I on 18.11.2003 ie., beyond the (3) years period of Probation. Hence, his probation was extended to a later date by the Govt. invoking Rule 16(h) of the A.P. State Subordinate Service Rules, 1996 and as such the service of the individual is deemed to have commenced from 29.01.2004, vide G.O.Rt.No.37, Revenue (Ex.I) Department, dated.07.01.2005.

2. Sri M. Radha Krishna, Prohibition & Excise Inspector, Kurnool submitted representation for relaxation of the Rule 16(h) of the A.P. State Subordinate Service Rules, 1996 stating that the Government relaxed Rule 16(h) of A.P. State Subordinate Service Rules, 1996 in favour of Sri R. Kishan, Prohibition & Excise Inspector by implementing the orders of the Hon'ble APAT in OA No.1710/2008, dt.23.04.2010. But the request was rejected by the Government, vide Memo. No.2330/Ex.I(2)/2011-3, dt.18.05.2011.

3. Aggrieved by it, Sri M. Radha Krishna, Prohibition & Excise Inspector filed OA.No.1943/2011 against the orders in G.O.Rt.No.37, Revenue (Ex.I) Department, dated.07.01.2005. The Hon'ble APAT., in its orders, dt.15.04.2013 allowed the OA No.1943/2011. The operative portion of order is as under:

> "Having regard to the submissions made by the learned council for the applicant; after perusing the orders passed by the Tribunal in OA.No.1710/2008, dated.23.04.2010 and also the consequential orders issued by the Govt., the Tribunal is convinced that the claim of the applicant is squarely covered by the orders contained in OA.No.1710/2008, dated.23.08.2010 which are implemented by the Government, vide G.O.Ms.No.1253, dated 30.09.2010 and G.O.Ms.No.105, 106 & 107, Revenue (Ex.l) Department, dated.16.02.2013."

4. The Commissioner of Prohibition & Excise, AP ., has requested to take a decision on the request of individual for relaxation of Rule 16 (h) of A.P. State & Subordinate Service Rules, 1996 on par with the orders issued in G.O.Ms.No.1253,

(Contd…2)

dated.30.09.2010 and G.O.Ms.No.105, 106 & 107 Revenue (Ex.l) Department, dated.16.02.2013 and G.O.Ms.No.135, dt.20.03.2018 and restoration of his seniority from the date of joining ie., 02.11.1996 keeping in view of the orders of Hon'ble APAT in OA No.1943/2011, dt.15.04.2013.

5. Government have examined the orders of APAT, Hyderabad in OA No.1943/2011, dt.15.04.2013; keeping in view the orders issued in G.O.Ms.No.105, 106 and 107, Revenue (EX.I) Department, dt.16.02.2013 and common orders of Hon'ble High Court of Andhra Pradesh in W.P.M.P.No.802, 1349 and 1380 of 2012 in W.P.No.653, 1095 and 1115/2012, dt.04.12.2012 and WP No.32689/2014, dt.30.10.2014 and WP No.40739/2014, dt.30.12.2014 and in view of the specific circumstances of the case, decided to relax Rule 16 (h) of A.P. State & Subordinate Service Rules in favour of Sri M. Radha Krishna, Prohibition & Excise Inspector, Kurnool Division by invoking the powers of relaxation conferred under Rule 31 of A.P. State & Subordinate Services Rules, 1996 in supersession of orders issued in G.O.Rt.No.37, Revenue (Ex.I) Department, dated 07.01.2005 on par with similarly situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013.

6. Accordingly, in supersession of orders issued in G.O.Rt.No.37, Revenue (Ex.I) Department, dated 07.01.2005, Government hereby order to relax the Rule 16 (h) of A.P. State & Subordinate Service Rules, 1996 in favour of Sri M. Radha Krishna, Prohibition & Excise Inspector, Kurnool Division on par with similarly situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013 and to treat the seniority of the applicant as per the ranking assigned by the APPSC in the cadre of Prohibition & Excise Inspector; subject to outcome of W.P.Nos.653, 1095 and 1115/2012, and W.P No.32689/2014, and WP No.40739/2014.

7. The Commissioner of Prohibition and Excise, A.P., shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P.,
RS.No.8-82B, Sai Vihar Apartments,
Poultry Farm Road, Prasadampadu(Village),
Vijayawada (Rural Mandal), Krishna District.
Sri M. Radha Krishna, Prohibition & Excise Inspector, Kurnool Division**.(through the CPE., AP.)**

Copy:
The PS to Minister (Prohibition & Excise)
The PS to Chief Secretary to Government.
The PS to Spl.C.S. to CM.
The PS to Spl.C.S to Government (P&E)
Sf/Sc.

//FORWARDED::BY ORDER //

SECTION OFFICER.